

City Council Agenda

Council President
Blong Xiong

Councilmembers

Oliver L. Baines III
Lee Brand
Steve Brandau – Acting President

Paul Caprioglio
Clinton J. Olivier
Sal Quintero

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

April 18, 2013

1:30 P.M. ROLL CALL

Invocation by Michele Racusin of the Holy Family Episcopal Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "FRESNO JUNIOR MONSTERS YOUTH HOCKEY CLUB DAY" – Council President Xiong

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of April 11, 2013

Action Taken:

Approve Cultural Arts Properties Corporation minutes of April 11, 2013

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. **RESOLUTION** of intention to annex final Parcel Map No. 2006-20, Annexation No. 4, to City of Fresno Community Facilities District No. 9 (*Property located in District 2*) (N. Figarden Drive and N. Gates Avenue) and setting the hearing for May 23, 2013 at 10:00 a.m.– Public Works Department

Action Taken:

- B. * **RESOLUTION – 3rd** amendment to Resolution No. 2012-124 entitled “a Resolution of the Council of the City of Fresno establishing rules for the application of City employee compensation rates and schedules and related requirements, and establishing compensation rates and schedules for fiscal year 2013.”- Personnel Services Department

Action Taken:

- C. Bills amending the Fresno Municipal Code regarding language which determines the amortization period of an unfunded liability to comply with Governmental Accounting Standards Board (GASB) Statements 67 & 68 and current American Academy of Actuaries Standards Practice SSOP No. 4 – Retirement Offices

1. * **BILL NO. B-10 – (Intro. 4/11/2013) (For adoption)** - Amending Section 3-324 of the Fresno Municipal Code relating to the actuarial funding of the City of Fresno Fire and Police Retirement System

Action Taken:

2. * **BILL NO. B-11 – (Intro. 4/11/2013) (For adoption)** - Amending Section 3-530 of the Fresno Municipal Code relating to the actuarial funding of the City of Fresno Employees Retirement System

Action Taken:

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

- A. **Actions pertaining to the secondary process operations rehabilitation and new vehicle storage canopies (Property located in District 3) – Department of Public Utilities**
1. Adopt a finding of Class 32 Categorical Exemption, pursuant to Section 15332 of the California Environmental Quality Act Guidelines
Action Taken:
 2. * **RESOLUTION** - 46th amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$830,000 for the secondary process operations building rehabilitation and new vehicle and equipment storage canopies project located at the Fresno/Clovis Regional Wastewater Reclamation Facility **(Requires 5 affirmative votes)**
Action Taken:
 3. Award a construction contract to Davis Moreno Construction, Inc. of Fresno, California, for the secondary process operations building rehabilitation and new vehicle and equipment storage canopies project located at the Fresno/Clovis Regional Wastewater Reclamation Facility
Action Taken:
 4. Authorize the Director of Public Utilities or his designee to sign the contract on behalf of the City
Action Taken:

3. CITY COUNCIL

- A. **RESOLUTION – To establish the Litigation Management Act for the City Attorney's Office - Councilmember Brand**
Action Taken:

4. CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. City of Clovis, City of Fowler, City of Fresno, City of Kerman, City of Sanger v. County of Fresno, Office of the Fresno County Auditor-Controller Treasurer-Tax Collector, Vicki Crow, et al; Fresno County Superior Court Case No.: 08CECG03535 AMC; 5th District Appellate Court Case No. F060148
Action Taken:

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

- April 25 - 10:00 A.M. HEARING** to consider Conditional Use Permit Application No. C-11-153 located at 1225 S. Maple Avenue (APN: 474-300-08) filed by Vincent Palacios of Designed Drafting. ***(Property located in District 5)*** – Development and Resource Management Department
- May 2 - 10:00 A.M. HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 4 (Final Parcel Map No. 2008-13) (northwest corner of W. Herndon Avenue and N. Riverside Drive) ***(Property located in District 2)***
- May 9 - 8:30 A.M. – COUNCIL MEETING**
- May 16 - NO MEETING – RECESS**
- May 23 - 10:00 A.M. HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 4 (Final Parcel Map No. 2006-20) (N. Figarden Drive and N. Gates Avenue) ***(Property located in District 2)***
- June 6 - 10:00 A.M. HEARING** to adopt resolutions and ordinance amending the annex territory, changing the services and the rate and method of apportionment and setting a new maximum special tax for Community Facilities District No. 11, Annexation No. 31 (Final Tract Map No. 5358) ***(Property located in District 2)*** (north side of Spruce to the River Bluff, between Riverside and Thiele)
- June 6 - 10:15 A.M. HEARING** re: Proposition 218 Water Rates

UPCOMING EMPLOYEE CEREMONIES

- April 24 (Weds) 2:00 P.M.** Presentation of Employee Service Awards - Council Chambers – ***(Reception immediately following - 2nd floor foyer)***
- May 23 - 8:30 A.M.** Presentation of P.R.I.D. E. Team Certificates for the spring quarter ***(Reception immediately following - 2nd floor foyer)***